



JON M. HUNTSMAN, JR.  
*Governor*  
GARY R. HERBERT  
*Lieutenant Governor*

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

MICHAEL R. STYLER  
*Executive Director*  
JERRY D. OLDS  
*State Engineer/Division Director*

February 13, 2006

Jan Ellett  
106 East 100 South  
Loa UT 84747

Re: Water Commissioner Appointment – Lower Fremont River

Dear Jan:

At the recent annual meeting, there were several issues raised concerning your performance as water commissioner for the Lower Fremont River Distribution System. Unfortunately, you did not attend the meeting to respond to the issues that were raised.

The concerns expressed by the water users and/or observed by the state engineer include the following:

The lower water users believe that you did not make the trips to the lower end of the river system as required in the water commissioner duties that were reviewed and discussed at the annual meeting last year. They are aware of only three trips that were made. It appears the water users in the lower end of the system were without water for almost two weeks and that inadequate efforts were made to regulate the system so they could receive their proportional share of the river flow. Water commissioners must spend the necessary time on the distribution system to understand the current situation and be able to respond and regulate the water as needed to ensure that the water users receive the portion of the water to which they are entitled.

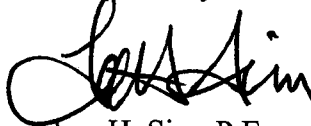
There appears to be no documentation of the regulation efforts that were made and how the water was distributed. In spite of express instructions from this office, there appears to have been no measurement data kept or recorded regarding water distribution for 2005. The annual report that you presented to the water users consisted of a single page with general descriptions of the water situation in the various areas of the system. Adequate documentation of regulation and complete and accurate records of water measurement are very important to our office and to the water users of the distribution system.

The water users provided a cell phone for your use as water commissioner to facilitate communication. However, it appears that this effort was unsuccessful. The water users report that many times it was not possible to reach you on the cell phone because you were not in a service area, or that the cell phone would ring but there would be no answer. The water users also reported that when they did leave a voice message with you that their calls were not returned. Regular communication between the commissioner and the water users is necessary for the successful operation of a distribution system.

We appreciate the regulation efforts that you have made over your tenure as water commissioner, however, based on the concerns expressed above, it is the decision of the state engineer the you should be relieved of your duties, responsibility and authority as Water Commissioner for the Lower Fremont River Distribution System. If there are expenses that you incurred last year (travel, hours, etc.) for which you have not been reimbursed, please submit a reimbursement request on one of the pink forms and a check will be sent to you.

If you have any questions concerning this letter, please contact me by phone at (801)538-7380 or by e-mail at [LeeSim@utah.gov](mailto:LeeSim@utah.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "Lee H. Sim", written over a horizontal line.

Lee H. Sim, P.E.  
Assistant State Engineer

cc: Kirk Forbush, Regional Engineer